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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,539	03/13/2001	Diane L. Deering	D15-003-02-US	2687

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,539

Applicant(s)

DEERING ET AL.

Examiner

Fredrick C Conley

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

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Claim Rejections - 35 U.S.C. § 112

1. Claim 12 recites the limitation "the planar first face, the ground, the pair of sleeves, the foot pocket, the first and second side edge, the middle third portion, the first and second rounded corners". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,919,721 to Earhart.

In reference to claim 1, Earhart discloses a blanket comprising:
a substantially rectangular blanket 10; and a foot pocket 19 comprising a panel coinciding with a middle third portion of and bottom edge of the blanket.

Regarding claim 2, wherein the blanket has a first and second rounded corners at an intersection of the bottom and side edges.

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Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart.

Regarding claims 3-4, Earhart discloses all of the Applicant's claimed limitations except for having the width of the pocket being at approximately one third of the blanket. It would have been an obvious matter of design choice to have the pocket approximately one third of the blanket, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 4, wherein the pocket panel is square.

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Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 6,219,847 to Aikins.

In reference to claim 5, Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves. Aikins discloses a blanket having a pair of sleeves inherently having oblong apertures defined at a shoulder end. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to cover the arms of the user.

Regarding claim 6, wherein the aperture has an oblique orientation relative to a horizontal center line (fig. 1-2).

Regarding claim 7, wherein the aperture has a vertical orientation (fig. 1-2).

Regarding claim 8, wherein the sleeves have an expandable cuff 17.

Regarding claim 9, wherein the sleeve apertures are spaced along the horizontal center line (fig. 1-2).

Regarding claim 10, wherein the blanket has a neck portion 15.

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In regards to claim 11, Earhart discloses a blanket comprising:
a substantially rectangular blanket 10; and a foot pocket 19 comprising a panel coinciding with a middle third portion of and bottom edge of the blanket, said blanket has a first and second rounded corner at an intersection of the bottom and side edges. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves. Aikins discloses a blanket having a pair of sleeves 16 inherently having oblong apertures with an oblique and vertical orientation relative to a horizontal center line defined at a shoulder end of the blanket, an expandable cuff 17, and a neck portion 15. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to cover the arms of the user.

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Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 6,219,847 to Aikins, and further in view of U.S. Pat. No. 6,243,873 to Aliff.

In regards to claim 12, Earhart discloses a blanket 10 with a foot pocket 19, and said blanket has a first and second rounded corners. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves. Aikins discloses a blanket having a pair of sleeves 16. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to cover the arms of the user. Earhart discloses all of the Applicant's claimed limitations except for folding the blanket into portions and tucking the folded blanket into the foot pocket. Aliff discloses a garment having a pocket that is folded into portions and tucked into a pocket to use as a cushion (fig. 6-8). It would have been obvious to one having ordinary skill in the art at the time of the invention to fold and tuck portions of the blanket into the pocket in order to store the blanket within the pocket.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick Conley whose telephone number is (703) 308-7468.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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August 5, 2002


**HEATHER SHACKELFORD
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